

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6132 of 2020

1. Pitambar Thakur, S/o Late Kallumal Thakur, Aged About 58 Years, R/o Block - Village Bejebhata, Thana - Arjunda, Thasil - Dondi, District - Balod, Chhattisgarh
2. Sohaga Bai, W/o Pitambar Thakur, Aged About 55 Years, R/o Block - Village Bejebhata, Thana - Arjunda Thasil - Dondi, District - Balod, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through - SHO, Arjunda District - Balod, Chhattisgarh

---- Respondent

For Applicants
For Respondent

Shri T. K. Jha, Advocate
Ms. Veena Nair, Dy. AG

Hon'ble Justice Shri Gautam Chourdiya

Order On Board

02/12/2020

1. The applicants have preferred this first bail application under Section 439 of CrPC, as they have been arrested in connection with Crime No.118/2020, registered at Police Station Arjunda, District Balod (C.G.) for the offence punishable under Sections 306 read with Section 34 of IPC.
2. The case of the prosecution in brief is that the deceased married with the applicants' son Jagat in the year 2010. On 25.08.2019, the deceased Kusum poured kerosene oil on her and set herself ablazed. The statement of the relatives of the deceased was recorded on 16.07.2020 i.e. after about one year of the incident.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case. The applicants are in jail since 16.07.2020 and the trial may take some more time, therefore, the applicants may kindly be released on bail.
4. Learned State counsel opposes the bail application.
5. The marriage of the deceased was solemnized with Jagat Thakur in the year 2010. Out of the said wedlock, three children were born. The alleged incident of suicide happened after about 10 years of marriage. At the time of death, the deceased had only stated that she was told thief by her in-laws and this act was also supported by her husband. Apart from it, no other material evidence was recorded against the husband and the in-laws.
6. Considering the facts and circumstances of the case, particularly the inquest report of the deceased prepared in the presence of her brother and for the fact that the alleged incident happened after about 10 years of marriage; no material evidence was found against the applicants; the custody of the applicants since 24.04.2020, I am of the opinion that the present is a fit case for release of the applicants on bail.
7. Accordingly, the bail application is allowed and it is directed that in the event of both the applicants' executing a personal bond for a sum of Rs.25,000/- with two equivalent sureties for the like amount to the satisfaction of the Trial Court, the applicants be released on bail. They are directed to appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

8. It is made clear that the applicants shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-
Gautam Chourdiya
Judge

Nirala